



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,607	03/06/2001	Robert Olan Keith JR.	ABREAU-00104	2648
28960	7590	01/03/2006	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 01/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/800,607	<b>Applicant(s)</b> KEITH, ROBERT OLAN	
	<b>Examiner</b> CamLinh Nguyen	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/19/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 2, 4- 13, 15 - 24, 26 - 26, 38 - 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4- 13, 15 - 24, 26 - 26, 38 - 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is response to amendments filed on 10/19/2005.
2. Applicant's amendments to claims 1 – 45 are acknowledged. Consequently, claims 1, 4 – 6, 12, 15 – 17, 23, 26 – 28, 35, 38 – 40, and 45 have been amended. Claims 3, 14, 25, 37 have been cancelled. Claims 1 – 2, 4- 13, 15 – 24, 26 – 26, 38 - 45 are currently pending.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on 10/19/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the 111 statutory term defined in 35 U.S.C. j 154 to 156 and 173 of United States Patent Application Numbers 09/801,138, 09/801,072, 09/801,076, 09/800,592, 09/799,032 and 09/800,566 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 12, 23, 35, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2161

When regarding in light of Fig. 1, the claim language “utilizing a search module” in limitation (b) should be “utilizing a research module” since the invention, especially in Fig. 1, describes five modules; namely Keyword search module, Parametric search module, Dichotomous key module, Hierarchical tree module. It is not clear which search module that is being referred by in claim 1. Therefore, renders the claim vague and indefinite.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 2, 4- 13, 15 – 24, 26 – 26, 38 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger Jr. et al (U.S. 5,778,367) in view of Anthony Stuart (U.S. 5,613,110)

♦ As per claims 1, 12, 23, 35, 45

Wesinger teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See col. 10, lines 61 – 62 of Wesinger.
- “The directory tree structure includes nodes ... branches” See col. 10, lines 61 - 65. Each category corresponds to a node. All nodes are linked together.
- “ Wherein each specific node provides a corresponding set of parameters by which each related item of data corresponding to the specific node is defined by setting each

Art Unit: 2161

parameter with a corresponding value associated with the data item, thereby forming a set parameter” see col. 10, lines 65 – col. 11, lines 4 of Wesinger.

- “ Accessing a particular node within the directory tree structure” see col. 10, lines 65 – col. 11, lines 4 of Wesinger. A user can specify the resource by selecting a category and set up one or more set parameters.
- “Utilizing a selective one or more search methodologies including keyword search, hierarchical search, and dichotomous key search, wherein accessing each of the nodes within the directory tree structure each of the search methodologies including keyword search, hierarchical search, and dichotomous key search, are available” See Fig. 2H. In fig. 2H, Wesinger also allows the users multiple search methods, including:
  - Keyword search
  - Hierarchical search corresponds to categories search
- “ Setting one or more search parameters corresponding to the set of parameters of the particular node” See Fig. 2K.
- “ Performing a parametric search using the one or more set search parameters ... generating one or more matching discrete data items” See Fig. 2K, col. 5, lines 53 – 55 of Wesinger. “One or more matching items” corresponds to the results that sent to user (Fig. 2N).

The Wesinger reference fails to disclose the dichotomous key search. However, this method search is a well known in the art. Stuart provides an example of it.

Stuart teaches that a dichotomous key search is used to search for data in the database (See Abstract).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Stuart into the invention of Wesinger because Wesinger suggested that multiple search method are available for user and the combination would reduce the memory access when using binary search, and providing user more search methodologies.

◆ As per claims 2, 13, 24, 36, the combination of Wesinger and Stuart disclose:

- “The parameters are customizable and specific to the particular node” See Fig. 2K, col. 5, lines 53 – 55 of Wesinger.

◆ As per claims 4, 15, 26, 38, the combination of Wesinger and Stuart disclose:

- “The search criteria is one or more keywords input by a user” See Fig. 2H, 2L of Wesinger.

◆ As per claims 5, 16, 27, 39, the combination of Wesinger and Stuart disclose:

- “The utilized search methodology is the hierarchical search, the search criteria is selected one of a list of one or more directory items” A “hierarchical search” corresponds to “category search” because the categories include subcategories that organized in a hierarchical order. See col. 10, lines 61 – 62 of Wesinger.

◆ As per claims 6, 17, 28, 40, the combination of Wesinger and Stuart disclose:

- “The utilized search methodology is the dichotomous key search, the search criteria is a selected one of two binary items” See abstract of Stuart.

◆ As per claims 7, 18, 29, 41, the combination of Wesinger and Stuart disclose:

- “The searchable database is distributed into more than one physical location” See Fig. 1A, wherein more than one databases are presented.

◆ As per claims 8 – 9, 19 - 20, 30 – 32, 42, the combination of Wesinger and Stuart disclose:

Art Unit: 2161

- “Performing a parametric search are performed by a server” See Fig. 2K, col. 5, lines 53 – 55 of Wesinger
- “Establishing an Internet connection with the server to utilize the search methodologies” See Fig. 1A- 1B of Wesinger.

◆ As per claims 10 – 11, 21 – 22, 33 – 34, 43 – 44, the combination of Wesinger and Stuart disclose:

- “Maintaining the node by appropriately adding and deleting data to and from the node” See Fig. 2L, col. 11, lines 15 – 35 of Wesinger.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1 – 2, 4- 13, 15 – 24, 26 – 26, 38 - 45 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 571 – 273 - 8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

LN

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**